

### Remarks

#### Claim Status:

Claims 30 and 36-53 are pending. Dependent claims 42-53 are newly presented.

Claim 30 is amended to direct its claim scope to alternative features, and in some respects is now broader than its former version. The same can be said of the remaining independent claims, claims 36, 38 and 40. Claim 41 is amended to insert the term “method.”

#### Art-based Rejection

Claims 30 and 36-41 stand rejected as being unpatentable over Schmelzer (US 2003-0037010 A1) in view of Razdan (US 2002-0168082 A1).

We respectfully traverse these rejections.

#### *Claim 30 in view of Schmelzer and Razdan*

Claim 30 recites – in combination with other features - maintaining a list of content items. The list *includes a subset of content items designated as active*. The list of content items being respectively associated with one or more fingerprints derived from the content items themselves.

The cited passages of Schmelzer and Razdan are not understood to anticipate or render obvious such a combination.

Claim 30 stands ready for allowance.

#### *Claim 36 in view of Schmelzer and Razdan*

Claim 36 recites – in combination with other features – maintaining a list of content items, the list of content items being respectively associated with one or more fingerprints derived from the content items themselves. The method further recites receiving a playlist, the playlist identifying content items to be transmitted through the network during a predetermined time period; and based at least in part on the playlist, updating the list of content items by adding at least a plurality of content items and removing at least a plurality of content items.

The cited passages of Schmelzer and Razdan are not understood to anticipate or render obvious such a combination.

Claim 36 stands ready for allowance.

*Claim 38 in view of Schmelzer and Razdan*

Claim 38 recites – in combination with other features – receiving a list of content items, the list of content items is respectively associated with one or more fingerprints derived from the content items themselves; and adding and deleting entries in a table or data structure according to the list of content items.

The cited passages of Schmelzer and Razdan are not understood to anticipate or render obvious such a combination.

Claim 38 stands ready for allowance.

*Claim 40 in view of Schmelzer and Razdan*

Claim 40 recites – in combination with other features – maintaining a limited list of content items, the list of content items being respectively associated with one or more fingerprints derived from the content items themselves; and identifying a subset of the limited list of content items as active content items, the subset being associated with those content items being subject to updates.

The cited passages of Schmelzer and Razdan are not understood to anticipate or render obvious such a combination.

Claim 40 stands ready for allowance.

*Remaining Claims*

Favorable and independent consideration of the dependent claims is respectfully requested.

Conclusion:

We respectfully request an early notice of allowance. In the meantime, the Examiner is invited to contact the undersigned with any questions.

Date: April 29, 2008

**Customer No. 23735**

Phone: 503-469-4685  
FAX: 503-469-4777

Respectfully submitted,

DIGIMARC CORPORATION

By: Steven W. Stewart, Reg. No. 45,133/  
Steven W. Stewart  
Registration No. 45,133